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January 30, 2023

**VIA ECF**

Honorable Paul G. Gardephe  
United States District Judge  
Southern District of New York  
United States Courthouse  
40 Foley Square, Room 2204  
New York, New York 10007

Re: Cadwalader, Wickersham & Taft LLC v. Mod Champagne LLC, et al.,  
23 MC 26 (Part 1)

Dear Judge Gardephe:

I am counsel for respondent Mod Champagne LLC (“Mod”), with respect to a pending petition to compel arbitration filed in New York State Supreme Court, New York County, by Cadwalader, Wickersham & Taft LLC against both Mod and its principal, Brent Hocking (“Hocking”). See Cadwalader, Wickersham & Taft LLP v. Mod Champagne LLC and Brent Hocking, Index No. 160669/2022 (the “State Court Action”). Mod and Hocking are both residents of California and are jointly filing a petition today to remove the state court action to this Court. Today is the last day upon which a petition to remove may be timely filed. See Fed. R. Civ. P. 1446(b)(1); Affidavits of Service attached as exhibits to the proposed removal petition (Exhibit B, Document Nos. 15-17).

As part of the removal petition, I have attached copies of all the pleadings and other documents filed in the State Court Action. They are already subject to a state-court order sealing them, which I believe carries forwarded to this Court unless or until it is modified by the assigned district judge. A copy of the state-court sealing order is included in the exhibits to the proposed removal petition (Exhibit 2, Document No. 14). I have also enclosed a copy for your Honor’s convenience with this letter. To avoid possibly violating the terms of that sealing order, I respectfully request leave to file the exhibits contained in Exhibit 2 to the removal petition under seal. In the event your Honor grants this application, I am simultaneously filing a proposed order directing the Clerk office to file that part of the removal petition under seal.

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Finally, I also respectfully request this application be ruled upon early enough in the day today to allow me to file the removal petition partially under seal before the Clerk's office closes. Because part of the case would have to be filed under seal, the initial filing has to be done in person, rather than through ECF.

I thank your Honor for your courtesy in considering these requests.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Alex Eisemann", with a long horizontal flourish extending to the right.

Alexander E. Eisemann

Enclosure

*E*

*sk*

EX PARTE MOTION OFFICE  
APPROVED  
FOR THE PAYMENT  
OF MOTION FEE  
ONLY

At I.A.S. Part 46 of the Supreme Court of  
the State of New York, held in and for the  
County of New York at the Courthouse  
therefore, ~~60 Centre Street, New York,~~  
~~N.Y.~~, on the 23rd day of Dec., 2022

PRESENT: Hon. Richard G. Latin

J.S.C.

----- X

CADWALADER, WICKERSHAM & TAFT  
LLP,

Petitioner,

- against -

MOD CHAMPAGNE LLC AND BRENT  
HOCKING,

Respondents.

----- X

Upon the accompanying Affirmation of Michael E. Petrella dated December 13, 2022  
(the "Petrella Affirmation"), and the Memorandum of Law in Support of Petitioner's Order to  
Show Cause to Seal Petition, dated December 13, 2022, and good cause having been alleged, it  
is hereby:

*LET*  
ORDERED that Respondents Mod Champagne LLC and Brent Hocking *or counsel* SHOW CAUSE  
via the submission of opposition on NYSCEF ~~717~~  
at an IAS Part 46, Room 210 of this Court, ~~to be held at the Courthouse located at 60 Centre~~  
by ~~Street, New York, NY on the~~ 13th day of January, 2023 at 9:30 am/pm or as  
soon thereafter as counsel can be heard, and there and then show cause as to why an order should

not be entered pursuant to 22 NYCRR § 216.1 sealing the Order to Show Cause, Petrella Affirmation, Memorandum of Law in Support of Petitioner's Order to Show Cause to Seal Petition, Notice of Petition, Verified Petition, and exhibits A-C thereto, the Memorandum of Law in Support of the Petition, and all other papers filed in support of or in opposition to the foregoing. *and for such other and further relief this Court deems just and proper.*

IT IS FURTHER ORDERED that, pending the hearing of this Order to Show Cause, the County Clerk is directed to restrict access to the Order to Show Cause, Petrella Affirmation, Memorandum of Law in Support of Petitioner's Order to Show Cause to Seal Petition, Notice of Petition, Verified Petition, and exhibits A-C thereto, the Memorandum of Law in Support of the Petition, and all other papers filed in support of or in opposition to the foregoing, and that these papers shall not be available to anyone other than authorized Court personnel, counsel of record for any party to this action, and the parties to this action;

IT IS FURTHER ORDERED that service of a copy of this Order, together with the and email papers upon which it is granted, by overnight mail shall be made on Respondents, on or before, Dec. 29, 2022;

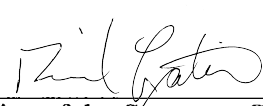
~~IT IS FURTHER ORDERED that opposition papers shall be served by \_\_\_\_\_, 20\_\_\_\_~~

~~and any reply be served by \_\_\_\_\_, 20\_\_\_\_~~

Respondents may email the Court at [jmdorman@nycourts.gov](mailto:jmdorman@nycourts.gov) if they have difficulty uploading opposition onto NYSCEF.

Dated: New York, New York  
\_\_\_\_\_, 20\_\_\_\_

ENTER:

  
\_\_\_\_\_  
Justice of the Supreme Court  
Hon. Richard G. Latin